

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

and

KATHY C. KOCH,

Plaintiff-Intervenor,

V.

LA WEIGHT LOSS,

Defendant.

Case No. WDQ-02-CV-648

JOINT MOTION TO EXTEND DISCOVERY

Pursuant to the Federal Rules of Civil Procedure, Rule 105 of the Local Rules of the U.S. District Court for the District of Maryland and the Court's April 9, 2002 Scheduling Order, as modified on February 26, 2003, all parties in the above-styled and numbered action respectfully request that the Court enter an order (1) extending the non-expert discovery period in this matter during the pendency of Plaintiff EEOC's Motion to Bifurcate Trial and Discovery (filed December 10, 2003) and (2) extending indefinitely all other dates regarding expert reports, expert discovery, status reports, and motions set forth in the Court's Order of February 26, 2003.

In support of this Motion, the parties state that presently pending before the Court is Plaintiff

EEOC's Motion to Bifurcate Trial and Discovery ("Plaintiff EEOC's Motion"), which requests that the trial and further discovery in this action be divided into two phases. Plaintiff EEOC's Motion also requests that the Court enter a new scheduling order that provides for further non-expert discovery in this case and a corresponding extension of all other dates set forth in the Scheduling Order as modified on February 26, 2003. See Attachment # 2 to Plaintiff EEOC's Motion (proposed Order Regarding Bifurcation and Scheduling). Plaintiff-Intervenor Kathy C. Koch agrees that Plaintiff EEOC's proposed Order Regarding Bifurcation and Scheduling should be entered by the Court, while Defendant states that it does not agree with certain aspects of that proposed Order and will file a response to Plaintiff EEOC's Motion.¹ Defendant's response to Plaintiff EEOC's motion is due January 20, 2004, with Plaintiff EEOC's reply due on February 3, 2004. Under the current schedule, non-expert discovery will end on January 9, 2004, and Plaintiff EEOC and Defendant are required to name their experts and serve expert reports on or before February 9, 2004, and March 9, 2004, respectively. Thus, in order to avoid any disruption in non-expert discovery or premature commencement of expert discovery while the issue of the future schedule is pending before the Court, the parties believe that an extension of non-expert discovery in this case is warranted and that all other dates set forth in the Court's Scheduling Order, as modified by its order dated February 26, 2003, should be extended indefinitely until disposition of Plaintiff EEOC's Motion.

Accordingly, for the reasons set forth above the parties respectfully request that the Court enter the attached proposed Order.

¹ Nevertheless, all of the parties are in agreement that significantly more non-expert discovery is required in this action given the scope of the case, the complexity of the issues involved, and the progress in discovery to date.

Respectfully submitted,

/S/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Extend Discovery and attached proposed Order Regarding Joint Motion to Extend Discovery were filed and served electronically on this day, the 29th day of December 2003. The undersigned further certifies that a copy of each of the aforementioned documents was sent, via regular mail, to David L. Gollin, Wolf, Block, Schorr and Solis-Cohen LLP, 1650 Arch St., 22nd Floor, Philadelphia, PA 19103, and Pamela J. White, Ober, Kaler, Grimes and Shriver, 120 E. Baltimore St., Baltimore, MD 21202, on the 29th day of December 2003.

/S/

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